

MINUTES
MASSAGE THERAPY BOARD
September 19, 2006 – 9:00 a.m.
Room 474 (Formerly 4A) - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:00 a.m.

ADJOURNED: 2:14 p.m.

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Board Secretary

Board Members:

Karen Lessman-Hughes	Craig Sauer
Richard Engar	Jennifer H Pruetz

ABSENT:

Ruth Werner

GUESTS:

Roger Olbrot, AMTA; Craig Anderson, OIMT; Rachel Brown

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Swear in New Board Member

Mr. Ormond administered the oath of office to Ms. Pruetz and welcomed her to the Board.

Elect Chairperson

Mr. Sauer, seconded by Ms. Pruetz made a motion to re-elect Ms. Lessman-Hughes as Chairperson for the upcoming year.

Approve the Minutes from the
July 18, 2006 board meeting

Mr. Engar seconded by Mr. Sauer made a motion to approve the minutes, as written, from the July 18, 2006 meeting, the motion carried unanimously.

Open and Public Meetings PowerPoint

Mr. Ormond conducted the Open and Public Meetings PowerPoint presentation.

APPOINTMENTS and NEW APPLICATIONS: Received since March 21, 2006

9:45 a.m.- Zogg, Chauntel

Ms. Zogg met with the Board to review her application for licensure. Mr. Ormond explained that Ms. Zogg was charged with or convicted of:

- 1) Criminal Mischief, Misdemeanor; and Trespassing, Misdemeanor, on December 5, 2001.
- 2) Assault – Domestic Violence, Misdemeanor, which was dismissed on January 9, 2003
- 3) Assault, Misdemeanor; Domestic Violence/in the Presence of a Child, Misdemeanor, on December 9, 2003.

Mr. Ormond questioned Ms. Zogg if she had been required to under go any court ordered counseling. Ms. Zogg explained that she was never required to under go

counseling, however she had sought counseling on her own, three times since the first incident happened. Mr. Ormond then asked if Ms. Zogg felt that she might be a danger to the public if she was given licensure as a Massage Therapist. Ms. Zogg stated "No" she did not, all of her charges had involved family members who have similar attributes as her father, and she has learned to remove herself from these types of situations and individuals. Mr. Anderson commented that Ms. Zogg had attended the Ogden Institute of Massage Therapy and in his opinion he does not believe she is a threat to the public.

Mr. Sauer seconded by Mr. Engar made a motion to approve full licensure, the motion carried unanimously.

10:00 a.m.-Baum, Brandy

Ms. Baum met with the Board for her scheduled probation interview. Mr. Ormond reminded the Board of the requirements of Ms. Baum's MOU (Memorandum of Understanding). A positive employer report was submitted from Ms. Baum's Supervisor Nicole Price of Massage Envy in Draper.

It was determined Ms. Baum is in compliance with her MOU. Ms. Lessman-Hughes then stated that if Ms. Baum wished to be released early from her probation to submit a letter at the next Board Meeting requesting an early release and explaining what she has learned from this experience. Ms. Baum will next meet with the Board on November 21, 2006 at 10:00 a.m.

10:15 a.m.-Napper, Sid

Mr. Napper met with the Board for his scheduled probation interview. Mr. Ormond reviewed the requirements of his MOU. Ms. Lessman-Hughes questioned Mr. Napper if he was still teaching. Mr. Napper responded stating that he is, and he is only performing energy work, in his private practice. It was determined that Mr. Napper is in compliance with his MOU, and he will need to only meet with the Board every six months.

Mr. Engar seconded by Mr. Sauer made a motion to amend Mr. Napper's MOU to reflect he will need to meet with the Board every six months, the motion carried unanimously. Mr. Napper will meet again on March 20, 2007, at 10:15 a.m.

10:30 a.m.-Berry Melanie

Ms. Berry was available for her scheduled telephone probation interview. Mr. Ormond reminded the Board of the requirements of her MOU. A positive employer report was received from Ms. Berry stating she is not working as a Massage Therapist. It was determined Ms. Berry is in compliance with her MOU.

Ms. Berry commented she may be relocating to Idaho and agreed to a telephone interview with the Board on January 16, 2007 at 10:30 a.m.

10:45 a.m.-Cox, Sherri Lynn

Ms. Cox met with the Board for her scheduled probation interview. Mr. Ormond reminded the Board of the requirements of her Stipulation and Order. A Self-reporting form was submitted for each week, since her last appointment with the Board. Ms. Lessman-Hughes commented she had several different boundary issues arise, and was impressed with how Ms. Cox handled them. Ms. Cox commented that she has attempted to obtain the required 20 hours of Continuing Education required in her MOU, however she has had a hard time finding a course which will give her the full 20 hours in ethics. The Board suggested she contact a Massage Schools close to her home, regarding this issue, if Ms. Cox finds an acceptable course. Ms. Werner will be the Board contact, so the course can be completed with out delay.

Ms. Pruetz commented that Ms. Cox could review the Code of Ethics and then emphasized that Ms. Cox is expected to find the appropriate courses, Ms. Werner will approve the courses, Ms. Cox agreed. Ms. Cox will next meet with the Board on November 21, 2006 at 10:15 a.m.

11:00 a.m.- Bever, Troy

Mr. Bever did not meet with the Board for his first scheduled probation interview. A non-compliance letter will be sent requesting him to appear at the November 21, 2006 meeting at 11:15 a.m.

11:15 a.m.- Miller, Kayla

Ms. Miller did not meet with the Board for her scheduled probation interview. Mr. Engar seconded by Ms. Pruetz made a motion to issue an order to show cause, the motion carried unanimously.

11:30a.m. - Lamont, Mark

Mr. Lamont did not meet with the Board for his scheduled probation interview. Mr. Engar seconded by Mr. Sauer made a motion to issue an order to show cause, the motion carried unanimously.

11:45 a.m.- Blosser, Kimberly

Ms. Blosser appeared before the Board to review her MOU. Mr. Ormond explained the requirements. Ms. Blosser explained that she disagreed with the MOU, because she did not feel she had done any thing appropriate, She then added that she had appeared in court on September 18, 2006, and submitted a copy of her court docket, which stated her charge, was dismissed.

Mr. Engar seconded by Mr. Sauer made a motion to issue a full licensure to Ms. Blosser, the motion carried unanimously.

12: 00 p.m. - Gomm, Amy

Ms. Gomm met with the Board for her scheduled probation interview. A positive employer report was submitted from her supervisor Harriett McEntire at Align Spa. It was determined Ms. Gomm is in compliance with her MOU. It was also determined that if Ms. Gomm submits proof of her January 2006 charge being dismissed, the Board may consider an early release from her probation.

Ms. Gomm will next meet with the Board on November 21, 2006 at 10:30 a.m.

LUNCH

1:15 p.m. – Southam, Brooke

Ms. Southam and Rachel Brown met with the Board to review Ms. Southam's application for licensure as a Massage Therapist. Mr. Ormond explained that Ms. Southam was charged with having No Sex Oriented Business License, which is a Misdemeanor on February 7, 2003; which was held in abeyance, and was dismissed on April 28, 2003. Due to the nature of the charge the Division determined it was in the best interest of the public to have the Board review the charge prior to issuing a license to Ms. Southam.

Ms. Southam explained that the charge arose from her job as an Escort for Ms. Kitties Escort Service. Ms. Southam commented she had become an escort to pay her way through Massage School. She further commented that she did not feel she had done any thing inappropriate while she was an escort; she handled any boundary issues, which arose in a professional and ethical manner, and felt she would make a better Massage Therapist because of her past experiences.

Mr. Sauer commented that due to the nature of the charge, he was not inclined to allow full licensure. He then suggested a probationary license, Mr. Engar agreed. Ms. Lessman-Hughes explained to Ms. Southam what a MOU was and how it would restrict her license.

Mr. Engar seconded by Ms. Pruetz made a motion to issue Ms. Southam a two-year probationary license with the following restrictions:

- 1) Employer reports;
- 2) Meet every four months with the Board;
- 3) Take an additional six-hour Ethics course, to be completed with in 12 months, which can be count toward the renewal requirements for NCBTMB (National Certification Board

of Therapeutic Massage and Bodywork);
and

4) Work under Direct Supervision.

The motion carried unanimously.

DISCUSSION ITEMS:

American Medical Massage Association

Mr. Ormond explained to the Board that the AMMA (American Medical Massage Association) in corporation with the HEAL (Higher Education Allied Health Leaders) Coalition issued a press release explaining that schools may be hindering their students from being eligible to set for the NCBTMB exam, by allowing them to take Distance Learning (on-line) courses.

The Board seemed to agree that NCBTMB standards are appropriate; Distance Learning may not be the best initial education, for some students. Mr. Anderson explained that he did not feel Distance Learning was always a great learning tool, due to the lack of instruction and student teacher contact. Ms. Pruetz commented she felt a student should be given the choice of what type of education they wished to obtain, as long as they could pass the appropriate exams.

Mr. Ormond then questioned what position the Division, and Education Committee should take if an application is received from an institution, which has Distance Learning as their primary curriculum. The issue was tabled for further discussion at a later date.

Candidate Information Bulletin

Mr. Ormond reviewed the current version of the Candidate Information Bulletin for the Massage Law & Rule, and Massage Theory Exams. Discussion items from the last Board Meeting on July 18, 2006, were reviewed, when it was determined the Law & Rule exam would be rewritten to include Ethics, and rewriting the Theory exam would be determined after the Board has had the opportunity to review the FSMB (Federation of State Massage Boards) exam.

Ms. Pruetz felt that the references for the Massage Theory Exam were out dated. Mr. Ormond suggested for the Board to put together a list of more appropriate texts for this exam. The Board members agreed.

Ms. Lessman-Hughes commented that at the Board Meeting on July 18, 2006 there were several application changes suggested. After a lengthy conversation it was determined to send an application home with each Board Member to make the changes they felt was appropriate. This issue was tabled until the next Meeting on November 21, 2006.

Federation of State Massage
Therapy Boards

Mr. Ormond explained that the Federation of State Massage Therapy Boards would be meeting this week to begin to develop their examination. Mr. Ormond questioned the Board, if they were still considering allowing Utah graduates to take this exam. Mr. Sauer and Ms. Lessman-Hughes both commented they were, however they wanted to review the exam prior to the Division accepting it.

NCBTMB – Massage Apprentices
Approvals

Mr. Ormond explained he was concerned that some Massage Therapist who are coming to Utah from other states. Are required to apply and pass the NCBTMB exam, in order to meet our licensure requirements. For individuals who have been licensed for several years this requires they pass the NCBTMB exam, and some must apply through Portfolio Review, which could be a long process.

Some apprentices are also attempting to apply for the NCBTMB exam. However, due to the Apprentices lack of verifiable education in Anatomy, Physiology, and Pathology, they are also required to apply through Portfolio Review.

CORRESPONDENCE:

Utah Theory, Law & Rule Pass Rates

Reviewed, no further action taken

NCBTMB – Government Relations
Information Packet

Reviewed, no further action taken

Milady 2006 Catalog

Reviewed, no further action taken

Federation of State Massage Therapy
Boards-Testing Center

Reviewed, no further action taken

NCBTMB Executive Director Change

Reviewed, no further action taken

NEXT SCHEDULED MEETING:

November 21, 2006

DATE APPROVED

CHAIRPERSON, UTAH BOARD
OF MASSAGE THERAPY

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING